

DETAILED ACTION

This Office action is a substitute for the action that was mailed on May 30, 2008, which was not properly delivered to the applicant.

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on May 15, 2007 has been entered.

Claim Objection

Claim 10 is objected to because the phrase "is be played" appears to be missing text. Also, claim 12 ends with two periods. Appropriate corrections are required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 12, 17-20 and 23 rejected under 35 U.S.C. 102(e) as being anticipated by Treyz et al. [US 6,678,215].

Regarding claim 12, Treyz et al. disclose a personalized alarm clock [12] for awakening a user to his or her selected favorite video or audio footage, comprising: a housing; a removable video/audio data source stored in solid state memory which physically connects to a video/audio data access area positioned within said housing [CD player integrated into the alarm clock; column 9, lines 24-34], said removable video/audio data source having user's favorite video footage, video footage with audio stored thereon; a control unit [58] positioned within said housing, said control unit is operatively connected to said video/audio data source [figure 4]; a display [64] positioned within said housing, said display is operatively connected to said control unit [figure 4]; one or more speakers [60] positioned within said housing, said one or more speakers is operative connected to said control unit [figure 4]; a plurality of alarm/time setting members [buttons of user interface 66 whose functionalities are associated] for setting the current time of the alarm clock and for programming the control unit to store the current time, said plurality of alarm/time setting members positioned within said housing, said plurality of alarm/time setting members causes the control unit to display the current time on the display; a plurality of alarm control members [buttons of user interface 66 whose functionalities are associated] positioned within said housing, said plurality of alarm control members program an alarm mode or modes such as a video/alarm mode into the control unit; and whereby when said control unit determines that the preset alarm time has arrived and that the video/audio alarm mode has been

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selected, the control unit will read said selected favorite video footage, video footage with audio and/or audio footage information stored on said video/audio data source and have this information stored on said video/audio data source and have this information played on said display and/or emitted through said one or more speakers, depending upon whether the information is video footage, video footage with audio, and/audio information [as illustrated in figure 17 and described in the specification, the user is able to select and/or record audio and/or video if the device has a display].

Regarding claim 17, Treyz et al. further comprises one or more input ports [communications port 210] for receiving the selected favorite video and audio.

Regarding claim 18 and 19, Treyz et al. disclose that the alarm device is capable of interfacing with a remote device to provide audio and/or image data [abstract].

Regarding claim 20, Treyz et al. disclose that the alarm device is capable of comprising a CD player and a radio [column 9, lines 24-34].

Regarding claim 23, Treyz et al. disclose the claimed invention and further disclose that the alarm device can remotely adjust the settings [abstract].

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-11, 13-16, 21, 22, 24 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Treyz et al. [US 6,678,215] in view of Wilska et al. [US 6,427,078].

Regarding claim 1, Treyz et al. disclose a personalized alarm clock [12] for awakening a user to his or her selected favorite video or audio footage, comprising: an alarm clock [12]; a display [114] housed within said alarm clock; and one or more speakers [not explicitly numbered] housed within said alarm clock; said alarm clock is adapted to receive a solid state memory capable of storing video/audio data source [column 1, lines 47-48] having a user's favorite personalized video footage [abstract, line 6] video footage with audio, and/or audio information stored thereon, said removable video/audio data source attaches to said alarm clock to input/store the user's favorite video footage with audio in said alarm clock to be played on said display and/or emitted through said one or more speakers [column 8, line 63 – column 9, line 7]. Treyz et al. do not explicitly teach a removable-physically attachable solid state memory. However, Treyz et al. teach that it is known to use any other suitable storage arrangement, as set forth at column 1, lines 48-50. Further, Wilska et al. disclose a device having alarm clock functions [fig. 2; column 3, lines 22-65] comprising a solid state memory in the form of a removable PCMCIA card 15. It would have been obvious to one having ordinary skill in the art at the time invention was made to have the solid-state memory of Treyz et al. be removable-physically attachable as taught by Wilska for the predictable result of providing replaceable and/or additional data.

Regarding claims 2 and 3, Treyz et al. and Wilska et al. disclose the claimed invention. Wilska et al. further disclose a device having alarm clock functions [fig. 2; column 3, lines 22-65] comprising a PCMCIA card [15] and a PCMCIA card slot [16] located within the device.

Regarding claims 4 and 5, Treyz et al. disclose that the display device has the capability to display video except for explicitly specifying it is a color liquid crystal display which has a backlit display with brightness control for easy viewing. Both the concept and the advantages of providing displays which include a color liquid crystal display having a backlight were well known and expected in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a color liquid crystal display, which has a backlight with brightness control, for the purpose of improved viewing.

Regarding claim 6, Treyz et al. further comprises one or more input ports [communications port 210] for receiving the selected favorite video and audio.

Regarding claims 7 and 8, Treyz et al. disclose that the alarm device is capable of interfacing with a remote device to provide audio and/or image data [abstract].

Regarding claim 9, the content of the removable-physically attachable memory at the time of being selected for play is considered to be a user's favorite celebrity or singer at that instant of time.

Regarding claim 10, Treyz et al. disclose that the content may be played when an alarm goes off [column 9, lines 24-26].

Regarding claim 11, Treyz et al. disclose that the alarm device may comprise a CD player and a radio [column 9, lines 24-34].

Regarding claim 13 and 14, as noted above, Wilska et al. further disclose the device having alarm clock functions [fig. 2; column 3, lines 22-65] comprising a PCMCIA card [15] and PCMCIA card slot [16] located within the device.

Regarding claims 15 and 16, as noted above, Treyz et al. disclose that the display device has the capability to display video and it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a color liquid crystal display, which has a backlight with brightness control, for the purpose of improved viewing.

Regarding claim 21, as noted above, Treyz et al. disclose the claimed invention but lacks a camera. Wilska et al. disclose a device having alarm capability comprises a camera [15a] wherein the images can be displayed on a screen [9]. Since Treyz et al. and Wilska et al. are both from the same field of endeavor, the purpose disclosed by Wilska et al. would have been recognized in the pertinent art of Treyz et al. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use incorporate the camera of Wilska et al. with Treyz et al. to facilitate images capturing and displaying.

Regarding claim 22, Treyz et al. disclose the claimed invention and further disclose that the alarm device can remotely adjust the settings [abstract].

Regarding claims 24 and 25, as noted above, Treyz et al. disclose the claimed invention except for the solid state memory including any one of a group of RAM, ROM,

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PCMCIA card and SRAM. Wilska et al. disclose a device having alarm clock functions [fig. 2; column 3, lines 22-65] comprising a PCMCIA card [15] and PCMCIA card slot [16] located within the device. Since Treyz et al. and Wilska et al. are both from the same field of endeavor, the PCMCIA card as a memory source as disclosed by Wilska et al. would have been recognized in the pertinent art of Treyz et al. It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the PCMCIA card of Wilska et al. with the device of Treyz et al. for the purpose of providing additional data and improving data processing.

Response to Arguments

Applicant's arguments filed 05/15/07 have been fully considered but they are not persuasive. The examiner agrees with the applicant that a compact disc is not a solid state memory as defined by the given definition. However, invention of claim 12 is anticipated by Treyz, since Treyz teaches that solid state memory may be used as recited in column 1, lines 47-50. Further, Treyz teaches that a user may customize the content of the message or subscribe to a content service as recited in the abstract. Therefore Treyz also anticipates the "personalized" limitation. Since Treyz contemplates the use of solid storage elements and Wilska teaches the usage of a solid state memory, it would have been obvious to one skill in the art to substitute one memory device for the other to achieve the predictable result of providing a removable-physically attachable memory to the alarm device.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to THANH S. PHAN whose telephone number is (571)272-2109. The examiner can normally be reached on M-F, 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Renee Luebke can be reached on 571-272-2009. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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